

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 07-61395 CIV ZLOCK/SNOW

FREDRICK BLACK,

Plaintiff,

v.

APPLE, INC., a
foreign corporation,

Defendant.

**AGREED MOTION OF DEFENDANT, APPLE INC.,
FOR ENLARGEMENT OF TIME TO SERVE
A RESPONSE TO PLAINTIFFS' COMPLAINT**

Defendant, Apple Inc. ("Apple"), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, hereby moves for an enlargement of time up to and including October 15, 2007 to serve its answer, move to dismiss or to otherwise respond to Plaintiffs' Complaint ("Response"). The grounds supporting this Agreed Motion are set forth below.

Under the present deadline, Apple's Response to the Complaint is due October 5, 2007. Plaintiff's Counsel, Ed Curtis, is unavailable from October 5 through October 15, based on a notice of unavailability that Plaintiff filed in state court. Under the current schedule, Plaintiff's Opposition would be due October 15, the first day Plaintiff's counsel becomes available. L.R. 7.1(c). Further, Apple would benefit from additional time to prepare a Response to the Complaint, which *inter alia* alleges violations of antitrust law and is a putative class action.

The brief extension will not delay the case or prejudice the Plaintiff who has agreed to and will benefit from the requested extension. The Court has authority pursuant to Federal Rule of Civil Procedure 6(b) to grant extensions of time when, as here, justice so requires.

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Prior to filing this Agreed Motion, counsel for Apple, Lara Kollios and Janet Munn spoke telephonically with counsel for Plaintiff, Edward Curtis, in a good faith attempt to resolve the motion by agreement and Mr. Curtis agreed on behalf of the Plaintiff to the requested extension.

CONCLUSION

On the basis of the foregoing, Apple respectfully requests that the Court grant its Motion to serve a Response to the Complaint, to and including October 15, 2007.

Respectfully submitted,

Dated: October 2, 2007

s/ Janet T. Munn

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 2007, I electronically filed the foregoing with the Clerk of the Court by using CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record identified below the manner specified either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel who are not authorized to receive electronically Notices of Electronic Filing:

s/Janet T. Munn

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